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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,819	11 20 2000	Alfred D. Ducharme	C1104.7061	9031

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EXAMINER

LEE, Y MY QUACH

ART UNIT PAPER NUMBER

2875

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,819

Applicant(s)

Ducharme et al.

Examiner

Y Quach Xu

Group Art Unit

2875

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 2/5/2003
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 111; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 16 to 19, 21, 22, 25 to 33 and 66 to 298 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1, 16-19, 21, 22, 27, 33, 66 to 108, 110 to 114, 117 to 119, 121 to 147 is/are allowed. 149-154, 156-167, 169, 170, 172, 173, 179-187,
- ☒ Claim(s) 25, 26, 28-32 and 175-178, 109, 115, 116, 120, 148 is/are rejected. 189, 190, 192-197, 199, 200,
- ☒ Claim(s) 155, 168, 171, 174, 188, 191, 198, 225, 230 is/are objected to. 202-224, 226-229,
- ☒ Claim(s) 201, 242, 243-295 and 297 is/are objected to. 231-241, 243-292, 296,
- ☐ Claim(s) _____ are subject to restriction or election requirement and 298.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 11/20/2000 is/are objected to by the Examiner
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 12, 11 + 021
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Response to Arguments

1. Applicant's amendment filed February 5, 2003 (originally filed on November 25, 2002) have been considered. The indicated allowability of claims 25, 26, 28, 29, 31 and 32 is withdrawn in view of the newly discovered references to Malita and Madadi et al. Rejections based on the newly cited references follow.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference sign (401) as mentioned on line 16 of page 31, and the reference sign (2309) as mentioned on line 15 of page 36 in the description. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: In the amendment of February 5, 2003, page 3, line 5, the term "as" is missing; page 3, line 6, the term "a" is improper in view of the following term "emission" on the same line and page. In the original specification, page 31, line 10, there is a typographical error such as "(2030)may"; page 36, the reference numeral "2309" is used for two separate elements, "the central control system" as recited on line 12 and "the prerecorded natural sunlight" as recited on lines 10, 14 and 15; page 36, the element "the central control system" is represented by two separate reference numerals, "2303" as shown on line 11 and drawing figure 11 and "2309" as recited on line 12; and page 54, line 20, the reference numeral "2402" is incorrect in view of the tube (2404) as recited on line 22 of the same page and drawing figure 28. Appropriate correction is required.

Claim Objections

4. Claims 201, 242, 293 to 295 and 297 are objected to because of the following formalities. In claim 201, there is no clear antecedent basis for "the controller". In claim 242, the terms "the at least one user interface" and "the at least one control signal" lack a clear antecedent basis. In claims 293 to 295 and 297, there is no clear antecedent basis for "the lighting fixture". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 109, 115, 116, 120, 148, 155, 168, 171, 174, 188, 191, 198, 225 and 230 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 109, 148, 168, 188 and 225, the limitation "at least one other **addressable** lighting fixture" is not understood. It has not been defined in the claims and as such has no meaning within the context of the claims.

In claims 115 and 120, it is not clear how are the at least one user interface and the elements as recited in claim 114 and its intervening claims situated with respect to one another such that there is a functioning apparatus? It would appear that applicants do not intend to claim the element "at least one user interface" in claim 114. However, claims 115 and 120 recite "**the** at least one user interface" which is referring back to the element "at least one user interface" in claim 114.

In claims 155, 171, 191 and 230, it is not clear how are the at least one user interface and the elements as recited in claims 154, 170, 190 and 227, respectively, and its intervening claims situated with respect to one another such that there is a functioning apparatus? It would appear that applicants do not intend to claim the element "at least one user interface" in claims 154, 170, 190, 227. However, claims 155, 171, 191 and 230 recite "**the** at least one user interface" which is referring back to the element "at least one user interface" in claims 154, 170, 190 and 227.

In claims 116, 174 and 198, it is not clear how are the device adapted for holding fluorescent tubes and the elements as recited in claims 115, 171 and 183, respectively, and its intervening claims situated with respect to one another such that there is a functioning apparatus? The limitation "**in combination** with **the** device adapted for holding fluorescent tubes" is not understood in view of the limitation "said device adapted for holding fluorescent tubes" already recited and/or claimed in claim 25.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action.

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2875

7. Claims 25, 26, 28, 31, 32 and 175 are rejected under 35 U.S.C. 102(b) as being anticipated by Malita.

Malita shows a mounting (30), at least two component illumination sources comprising a plurality of light emitting diodes (32) mounted on the mounting, a connector (42, 44) mounted on the mounting, the connector capable of connecting with a device (36) adapted for holding fluorescent tubes to receive power from the device and provide power to the at least two component illumination sources, a control circuit (column 5, lines 43 to 45) for controlling the at least two component illumination sources based on the power provided by the device, a housing (10) for the mounting, the housing including at least one of a transparent portion and a translucent portion (18).

8. Claims 25, 26, 28, 29, 31, 32 and 175 to 178 are rejected under 35 U.S.C. 102(b) as being anticipated by Madadi et al.

Madadi et al. show a mounting (24), at least two component illumination sources comprising a plurality of light emitting diodes (26) mounted on the mounting, a connector (20, 20a) mounted on the mounting, the connector capable of connecting with a device (column 4, line 24, fluorescent lamp socket, lines 45 to 52) adapted for holding fluorescent tubes to receive power from the device and provide power to the at least two component illumination sources, a control circuit (16, 28, 29, column 3, lines 56 to 59) for controlling the at least two component illumination sources based on the power provided by the device, a generally cylindrical housing (10) for the mounting, and the housing including at least one of a transparent portion and a translucent portion (column 3, lines 19 to 20). Madadi et al. also show that the device comprising a transformer (column 3, lines 59 to 60) such as a ballast to transform power from a power source and the transformed power provided to the fixture related to an impedance of the ballast (column 4, lines 50 to 52).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10 Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malita and Madadi et al.

Malita and Madadi et al. disclose the invention substantially as claimed with the exception of having a filter. It would have been obvious to one skilled in the art to include a filter in the housing of Malita and Madadi et al. for the desirable purpose of simply modifying the light to provide color and aesthetics illumination.

11 Claims 1, 16 to 19, 21, 22, 27, 33, 66 to 108, 110 to 114, 117 to 119, 121 to 147, 149 to 154, 156 to 167, 169, 170, 172, 173, 179 to 187, 189, 190, 192 to 197, 199, 200, 202 to 224, 226 to 229, 231 to 241, 243 to 292, 296 and 298 are allowed.

12. Claims 109, 115, 116, 120, 148, 155, 168, 171, 174, 188, 191, 198, 225 and 230 would be allowable if amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claims 201, 242, 293 to 295 and 297 would be allowable if amended to overcome the objection set forth in this Office and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 703-308-1939. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Y. Q
May 19, 2003

Y Quach Lee
Patent Examiner
Art Unit 2875